

COUNCIL PROCEEDINGS

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 20, 1999
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Becky Botkin, Chaplain, Veterans Administration Hospital.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --
-- approved

The minutes of the regular meeting of April 13, 1999, as corrected, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Mayor Knight presented the Proclamations that were preciously approved.

PUBLIC AGENDA

COMMENTS FROM BAHAI COMMUNITY OF WICHITA.

Tracy Freeman

Tracy Freeman, Bahais, presented a statement on the equality of men and women, ~~Atwo~~ Wings of a Bird: The Equality of Women and Men, because the Baha'i believe that womens full and equal participation is essential to social and economic development, the abolition of war, and the ultimate establishment of a unified world.

Ms. Freeman strongly encouraged the City Council to fill the vacant seats on the Commission on the Status of Women.

UNFINISHED BUSINESS

CU-500

CU-500 CONDITIONAL USE REQUEST TO ALLOW VEHICLE SALES ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROCK ROAD AND HARRY STREET. (District II)

Bob Kaplan

Bob Kaplan, attorney representing the applicant, requested a two week deferral.

Motion -- carried

Pisciotte moved that this Item be deferred two weeks. Motion carried 7 to 0.

ENTERTAINMENT DIST ORD

NOISE ORDINANCE FOR ENTERTAINMENT DISTRICT. (District VI)

Chris Cherches

City Manager said the Old Town Association requested that this Item be deferred to June 5, 1999, after the River Festival.

Motion --
-- carried

Cole moved that this Item be deferred until the first or second meeting in June. Motion carried 7 to 0.

EATON HOTEL FINANCING

EATON HOTEL FINANCING. (District VI)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-330.

The City has undertaken a public-private partnership to renovate the Eaton Hotel, as well as a new construction component, into a downtown housing complex. The financing includes industrial revenue bonds as first mortgage financing, developer equity and City CDBG and HOME funds.

Due to project design features and developer financing requirements, the project will be subject to Federal Davis-Bacon commercial building wage rates. In addition, the Developer (MetroPlains) has other factors occasioning an increase in costs. The original project budget was set at \$15.6 million. At this time, the total additional financing required is expected to be approximately \$1 million.

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The Developer plans to take action to mitigate the portion of the financing gap over and above the Davis-Bacon related cost increase. The City and MetroPlains representatives have met to discuss alternatives to cover the shortfall due to the Davis-Bacon wage requirement, an estimated \$750,000.

The proposed plan to finance this gap involves the City providing a loan to the Developer in the amount of \$750,000 at 5% interest with an anticipated term of fifteen years. The annual principal and interest payment on the loan will be subordinated to the industrial revenue bonds and the equity investment. Any annual unpaid loan payments, including interest, will accrue from year to year and would be due upon any future resale of the property.

The funding source for the loan will be Community Development Block Grant (CDBG) funds which are not required to meet other existing program obligations.

Motion --
-- carried

Cole moved that the financing loan, amendments to the developer and grant agreements be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

NEW BUSINESS

27TH STREET PAVING PET. PETITION TO PAVE 27TH STREET SOUTH BETWEEN CUSTER AND ST. PAUL. (District IV)

Chris Cherches

City Manager stated that the CPO Council has requested the Item be referred back to Public Works.

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-367.

The signatures on the Petition represent 20 of 36 (55.6%) resident owners of 24.8% of the improvement district area. On March 25, 1999, CPO Council 4 considered the Petition. The Council voted 4-0 to recommend that the request be sent back to Public Works so that a more equitable improvement district could be developed. The Council was concerned about assessments to an industrial tract that does not have direct access to 27th Street South.

27th Street South, between Custer and St. Paul, is a sand road that provides access to a mixed-use area comprised predominately of residential and industrial property.

The estimated cost of the project is \$98,000 with \$86,000 assessed to the improvement district and \$12,000 paid by the City. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$00.16 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligations Bonds.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Darrell Dugan

Darrell Dugan, President of Burnham Products, said Burnham has no access to 27th Street. Custer is the company's only access.

The reason for paving 27th Street is for a new development by Jay Russell.

Burnham Products should not have to pay for the street when it has no access to the street. Burnham feels that it has been singled out in the allocation method. Burnham would like to limit its contribution to \$10,000.

Jeannie Bledsoe

Jeannie Bledsoe said seventy-five new home owners will use the street. It is unfair for a small area to pay for the improvements.

Motion --
-- carried

Gale moved that this Item be referred back to the CPO for a hearing before being returned to the City Council. Motion carried 7 to 0.

HARRY STREET IMPROVEMENT HARRY STREET IMPROVEMENT FROM WEBB TO GREENWICH. (District II)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-368.

The 1999 Capital Improvement Program includes a project to reconstruct Harry between Webb and Greenwich (CIP No. MS-431, Page 62). CPO Council 2 considered the project on March 22, 1999. The Council voted 4-0 to recommend approval.

The project consists of: Reconstructing Harry to four lanes, installing sidewalks on both sides of the street, and landscaping the available right-of-way.

The project specifications require the contractor to maintain access to all adjacent businesses during the course of construction. Traffic flow will be restricted to one lane in one direction during construction of the project.

The estimated project cost is \$2,400,000 with \$700,000 funded by the City and

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\$1,700,000 by federal funds administered by the State. The funding source for the City share is General Obligations Bonds.

Council Member Pisciotte Council Member Pisciotte inquired whether the improvement would be sufficient and not require revisiting in the future.

Mike Lindebak City Engineer said he did not believe revisiting would be required unless there were significant new development.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the project be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance declaring Harry Street, from Webb to Greenwich (472-83091) to be main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs there-of and the manner of payment of the same, introduced and under the rules laid over.

13TH STREET IMPROVEMENT THIRTEENTH STREET NORTH IMPROVEMENT, ROCK ROAD TO ONE-HALF MILE EAST. (District II)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 99-369.

Sedgwick County is improving 13th Street, east of the City limits to K-96. This will leave a gap of two-lane roadway between Rock Road and 2 mile east of Rock Road. It is recommended that the construction of the City portion of 13th Street North proceed at this time to coordinate with the construction in the east half of the mile. The City Council authorized design of the project on November 3, 1998. CPO Council 2 considered the project on March 22, 1999. The Council voted 5-0 to recommend approval.

13th Street east of Rock is a two-lane, asphalt mat road. The City is currently scheduled to upgrade 13th Street in 2003 (CIP No. MS-436, page 28). To avoid closing the road twice for two separate projects, Staff is proposing to coordinate the upgrading of 13th Street with Sedgwick County's project.

The estimated project cost is \$1,065,000.

Should the City Council wish to authorize construction, funding is expected to be available in 1999 from the project to construct 29th Street North, between Oliver and Woodlawn, which is now eligible for 80% Federal funding under the recent TEA-21 Federal transportation legislation.

Council Member Pisciotte Council Member Pisciotte inquired whether the improvement would be sufficient and not require revisiting in the future.

Mike Lindebak City Engineer said he did not believe revisiting would be required unless there were significant new development.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Tom Mosteller Tom Mosteller, President of Sunnyside Nursery, said the improvement is very much needed.

Motion -- Pisciotte moved that the project be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance declaring 13th Street North, from Rock Road to 2 mile east of Rock Road (472-83028) to be a main trafficways within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; and setting forth the nature of said improvements, the estimated costs there-of and the manner of payment of the same, introduced and under the rules laid over.

SPECIAL LIQUOR TAX PERFORMANCE MEASURES FOR SPECIAL LIQUOR TAX ALLOCATIONS.

Cathy Holdeman City Manager's Office reviewed the item.

Robin Clements Robin Clements gave an overview of consultant services on performance measures.

Agenda Report No. 99-370.

On January 26, 1999, the City Council took action to approve ADAAs funding recommendations and a Transition Plan associated with this funding source. As a part of the Transition Plan, the City was to hire a consultant to work with the Special Liquor Tax Providers to finalize outcomes based measurements for each

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agency. Those agencies who successfully define outcomes based measurements by the end of the first quarter of 1999, will be able to continue with funding for the duration of the year. Agencies will be reviewed on a quarterly basis to assess if the defined measures and strategies are achieving results. The Council has the option to discontinue funding to agencies who fail to develop appropriate outcomes based measurements.

In addition to further refinement of the outcome based measures, the Transition Plan provided for the City Council to address policy issues associated with the allocation of the Special Liquor Tax Funds during the first quarter of 1999. Council priorities would then be communicated to the ADAAB members so that this advisory board can provide better guidance and direction to substance abuse providers.

The consultant has completed the first-quarter work product associated with Special Liquor Tax Fund Transition Plan as approved by the Council on January 26, 1999. In this first quarter of 1999, individual technical assistance was provided to the fifteen providers who currently receive funding. Providers were given assistance in the development and refinement of outcomes based measurements, along with analysis of the work product in terms of effectiveness and measurability. In simplistic terms, each provider was asked to define what changed in the world because of the work of the provider (outcome) and to develop measures to assess that change. They were encouraged to measure change in multiple ways to ensure its validity.

Providers Work Product: The Executive Summary documents an overview of the work product of the fifteen providers. The consultant groups their performance into three categories: Strong; Consistently Progressing; and Some Progress. The following Chart depicts the evaluation of the providers by the consultant based upon these three categories.

<u>Strong</u>	<u>Consistently Progressing</u>	<u>Some Progress</u>
Paralax	New Beginnings Behavioral Health Services	
Tiyospaye	Big Brothers	Addiction Treatment Services
Miracles	Mid-American All-Indian Center	Options
Knox Center		Womens Alcoholism Treatment Services
Regional Pre-vention Center		Womens Recovery Center
MHASCK		Youth Development Services

All of the providers made progress in developing outcomes based measures, however, some of the providers measurements were stronger and more complete than others. Several of the providers still need to have a better understanding of their target population which is critical to the development of meaningful outcomes based measures. However, all made an effort to understand and develop measurement tools.

Continuum of Service Delivery: As a result of the consultants work, it became clear that duplication of services is not the problem as each provider appears to serve a unique client population. It is more likely that there are gaps in services delivery. Among the fifteen providers, the following are served:

1. Community Prevention
2. Prevention and Intervention
3. Prevention and Intervention for African American Children
4. Prevention and Intervention for children of substance abusers
5. Outpatient Treatment for the general population
6. Outpatient Treatment for general population of men
7. Outpatient Treatment for general population of women
8. Outpatient Treatment for African American adults
9. Outpatient Treatment for indigent African American adults
10. Outpatient Treatment for Native American Adults
11. Outpatient Treatment for Hispanic adults
12. Inpatient Treatment for general population of men
12. Inpatient Treatment for general population women with children
13. Inpatient Treatment for indigent women with children
14. Medical Detoxification for general population

Consultant Findings Regarding the Substance Abuse Environment: As the consultants worked with providers in developing outcome measurements, it became clear that to better understand the Citys role in addressing the problems associated with alcohol and substance abuse, the social systems which exist in the larger environment must also be identified. For example, City funded providers receive many of their clients from the those involved in the other systems such as: Municipal and District Court, the Sedgwick County Jail; law enforcement; probation and parole; mental health service providers; medical health care and insurance providers, providers of homeless services; the school district; and the juvenile justice system, etc. It became clear that better communication and interaction between systems is needed to support clients through long term rehabilitation. Without linkages between systems, clients tend to be recycled and appear over and over again in the social systems and little is done to address the multiplicity problems associated with the individual client.

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The consultant also found that many providers are addressing substance abuse problems which in actuality are mental health problems. The reduction of mental health funding, has deinstitutionalized many individuals with mental illness who

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are now responding to this lack of support through self medication. This raises questions as to the appropriateness of funding to the mental health social services delivery system.

Those who treat children with substance abuse are finding the problems to be more complex. Providers are seeing generational cycling patterns of substance abuse which are difficult to address. The level of resources directed to youth will play a significant role in this community's ability to address and correct the overall negative consequences associated with substance abuse both now and in the future.

Finally, another ~~Observable~~ within the larger environment, is the fact that the smallest percentage of clients are the most costly. They impact the health care system through ambulance services, emergency room visits, and other health care services. They impact the law enforcement system through arrest and booking actions. They impact the judicial system through adjudication and incarceration along with any probation or parole actions which may follow upon release. This raises questions as to whether long-term containment over sobriety should be the goal.

Policy Decisions: As mentioned above, the City Council needs to consider policy questions to guide and direct future funding decisions. In the consultants' Executive Summary, a more detailed list of policy questions is defined. In essence, those questions are condensed to the following:

1. What results should be achieved from Special Liquor Tax Funds?
2. Should prevention programs, treatment programs or a combination of both be funded?
3. Should revenues be targeted to one group such as youth, families or adults?
4. Should there be a concentrated focus on funding (one programmatic area or one negative consequence associated with alcohol and substance abuse) or should the City continue to fund a continuum of services?
5. Should the City invest in projects or programs that are ~~promising~~ approaches i.e. innovative pilot projects?

Should the City continue to fund those providers who demonstrate meaningful outcomes based upon performance and discontinue funding to those who do not perform?

The funding source for program providers is the Special Liquor Tax Fund.

(The Council took up Item No. 8 and then returned to this Item. Item 8 action is shown in Agenda order.)

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Discussion was had regarding containment vs. Prevention and/or treatment; structure, which should involve all of the systems in the community such as mental health, community corrections, judges, courts, and others; and foundation for future development of strategies.

Mayor Knight momentarily absent with Vice Mayor Rogers in the Chair.

Motion --

Rogers moved that the Executive Summary Report be received; the detailed questions submitted be looked at; the City Manager be asked to include this as an Item in the Retreat and, if the Manager deems necessary, a workshop be held prior.

Amendment --

Rogers, with consent of the second, amended the motion to add that the provider funding and Contracts be approved and the Mayor be authorized to sign.

-- carried

Motion, as amended, carried 7 to 0.

EXCEL TAX EXEMPTION

REVISED ORDINANCE FOR ECONOMIC DEVELOPMENT TAX EXEMPTION AND AUTHORIZATION OF SECOND FIVE YEAR TAX EXEMPTION PERIOD - EXCEL CORPORATION. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-371.

On March 3, 1992, City Council approved an Economic Development Tax Exemption on ad valorem taxes for Excel Corporation. Under the City's Business Incentive Policy, Excel qualified for a 91.3% exemption for real and personal property and a 45.65% exemption for an additional five-years on real property. The action by City Council was to approve a tax exemption for five years with consideration for a second five-year period. However, the ordinance approving the exemption inadvertently omitted the second five-year period. As a consequence the Board of Tax Appeals (BOTA) at the time issued a five-year exemption order. Staff became aware of this error after Excel Corporation requested City Council consideration of their tax exemption for the second five-year period.

Since the original BOTA order granted a tax exemption for a five-year period, a revised ordinance identifying a five-plus-five year exemption period is required. In addition, a joint letter to BOTA (from the City of Wichita and Excel Corporation) will be submitted to request a supplemental order for the originally intended five-plus-five year term.

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A site monitoring visit was conducted by staff on January 8, 1999. Excel used Industrial Revenue Bond proceeds to construct a new product research and development center, which it is currently operating for the study of various meat processes. New Laboratories are currently used to test shelf life and composition of meat products. Excel has exceeded its projection of 22 new permanent jobs by creating 27 new jobs. Currently, Excel employs on-site highly qualified scientists and food specialists for the purpose of research and development regarding meat freshness and preparation. Excel also performs research and development for innovative meat preparation techniques and performs blind taste tests on meat products actually prepared at their facility.

Excel continues to have an approved EEO/AA Plan on file with the City of Wichita.

The following is an analysis of Excel's projected outcomes as a result of the expansion and actual results during the first five-year exemption period. The three categories represent the criteria used to determine the rate of tax exemption.

CRITERIA	ORIGINAL PROPOSAL	ACTUAL OUTCOME
Capital Investment	\$1,713,436	\$2,390,000
Job Creation	22 New Jobs	27 New Jobs
27 New Jobs	82.6%	82.6%

Under the City's Business Incentive Policy, Excel qualifies for a 45.65% ad valorem tax exemption for an additional five-years on real property. Personal property purchased in conjunction with the 1992 expansion project will be placed on the tax roll for 1999.

The second five-year tax exemption on real property in conjunction with the original expansion project is at the discretion of the Council. Law Department prepared the revised ordinance and has approved it as to form.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Cole moved that the second five-year ad valorem tax exemption at 45.65% on real property only be approved and the Mayor be authorized to sign; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance amending Section I of Ordinance No. 41-650 of The City of Wichita, Kansas, pertaining to exemption of property from ad valorem taxation for economic development purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption, and describing the property of Excel Corporation so exempted, introduced and under the rules laid over.

CITY COUNCIL AGENDA

PARK BOARD VACANCY

NOTICE OF VACANCY - BOARD OF PARK COMMISSIONERS.

One vacancy (Martz), due to his resignation, for a term expiring June 30, 1999.

Motion --

Knight moved that the rules be set aside and an appointment be made off the Agenda. Motion carried 7 to 0.

-- carried

Motion --

Martz appointed Savannah Williamson and moved the appointment be approved. Motion carried 7 to 0.

-- carried

CPO APPOINTMENT

APPOINTMENT TO CPO NORTHEAST NEIGHBORHOOD COUNCIL I.

Savannah Williamson, 2256 North Estelle, has been nominated by CPO 1 to fill a vacancy in subdistrict 1.1.

Motion --

Rogers appointed Savannah Williamson and moved the appointment be approved. Motion carried 7 to 0.

-- carried

TRAVEL EXPENSE

APPROVAL OF COUNCIL MEMBER GALES TRAVEL, MAY 13-15, 1999, TO DAYTONA BEACH, FLORIDA, TO ATTEND NLC PUBLIC SAFETY AND CRIME PREVENTION STEERING COMMITTEE MEETING.

Motion -- carried

Knight moved that the travel expense be approved. Motion carried 7 to 0.

PROCLAMATIONS

PROCLAMATIONS

-- KMW-FM 50th Anniversary Day
-- Workers Memorial Day

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Motion -- carried

Knight moved that the Proclamations be authorized. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 19, 1999.

At 10:00 a.m., Friday, April 16, 1999, pursuant to advertisements published, bids were received, publicly opened, read aloud and tabulated for the Board of Bids and Contracts.

(Ref: Bid analysis report attached to Board of Bids Minutes April 19, 1999)

Smith, from the north line of 12th Street North to the south line of 13th Street North R. A. Morris Tracts Addition - South of 13th, east of Hoover. (472-82944/765248/490626) Traffic to be maintained through construction. City Council approval date: 8/11/98. (District V)

Kansas Paving Company - \$66,387.00 (Corrected)

Lateral 10, Main 17, Southwest Interceptor Sewer to serve Forest Lakes Addition - north of 29th, west of Ridge. (468-82308/743790/480478) Does not affect existing traffic. City Council approval date: 4/6/93. (District V)

WB Carter Construction - \$29,836.00 (Corrected)

Water distribution system to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (448-88707/734913/470583) Does not affect existing traffic. City Council approval date: 4/6/93. (District V)

HD Mills & Sons - \$11,143.00

Charles from the north line of 55th Street South, north to the south line of Lockwood; Lockwood from the west line of Charles, east to the east line of Vine; Vine from the south line of Lockwood, south Simmons Park Addition - north of 55th Street South, east of Meridian. (472-82954/765503/490652) Does not affect existing traffic. City Council approval date: 6/23/98. (District IV)

Ritchie Paving - \$439,821.75

Glen Creek from the east line of Rocky Creek Parkway, and Glen Creek Court from the south line of Glen Creek to and including the cul-de-sac Rocky Creek Third Addition - north of 13th, east of 127th Street east. (472-83056/765553/ 490664) Does not affect existing traffic. City Council approval date: 1/26/99. (District II)

Cornejo & Sons Construction - \$187,373.50

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the Mayor be authorized to sign for the City. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Group I-Articulated Wheel Loader with General Purpose Bucket (130807)

Murphy Tractor & Equipment Co. - \$129,806.46 (Total Base Bid)
 <\$ 40,000.00> (Total Option 1/Deduct)
 \$ 4,200.00 (Total Option 2)
 \$ 1,830.00 (Total Option 3)
 \$ 2,600.00 (Total Option 5)

FINANCE DEPARTMENT/STATIONERY STORES DIVISION: Mail Machine (037218)

Pitney Bowes - \$38,575.00 (Total Net Bid)
 < \$ 5,786.25 > (Total Option 1/Deduct)
 \$ 2,918.00 (Maintenance Agreement/Per Year)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSE APPLICATIONS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Edith Boede	Lil Mexico	1601 East Pawnee

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(Consumption off Premises)

Henry R. Waquespack Kwik Shop #714 4711 South Seneca

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion -- Knight moved that the licenses be approved subject to Staff review and
-- carried approval. Motion carried 7 to 0.

PLANS AND SPECIFICATIONS PLANS AND SPECIFICATIONS:

- a. 27th Street North from the east line of Amidon to the west line of Coolidge Gilder's Court, Gilders Riverside, and Diamond Additions - **2** mile west of Amidon and 25th Street North. (472-82888/764670/490569) Traffic to be maintained through construction. City Council approval date: 11/18/97. (District VI)
- b. Bullinger from the north line of 25th Street North to 120 feet north of the north line of 26th Street North Northwest Heights, Northridge, and Quaker Heights Additions - **2** mile west of Amidon and 25th Street North. (472-82943/765263/490628) Traffic to be maintained through construction. City Council approval date: 08/11/98. (District VI)
- c. Lateral 74, Main 17, Sanitary Sewer #22 to serve Unplatted Tract in Section 31, Township 26S, Range 1E - north of 33rd Street North, east of Amidon. (468-82917/743757/743757) Traffic to be maintained through construction. City Council approval date: 11/10/98. (District VI)

Water Main Replacement in connection with Bayley Street Improvements. (448-89322/635557/768655) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District I)

Motion -- Knight moved that the Plans and Specifications be approved and the City Clerk be
-- carried instructed to advertise for bids to be submitted to the Board of Bids and
Contracts by 10:00 a.m., April 30, 1999. Motion carried 7 to 0

PRELIMINARY ESTIMATES PRELIMINARY ESTIMATES:

- a. 1999 contract maintenance preservative seal of asphalt streets - at various locations. (131540/ 706648/110000/405218) Traffic to be maintained during construction. City Council approval date: 10/13/98. (Districts II, III, IV, V, and VI) - \$183,860
- b. 1999 contract maintenance quickset slurry seal, curb and gutter repair, and crack sealing - at various locations. (131557/706648/110000/405218) Traffic to be maintained through construction using flagpersons and barricades. City Council approval date: 11/24/98. (Districts II and IV) - \$240,000
- c. 1999 enhanced maintenance poly patch joint repair of asphalt streets - at various locations. (706648-H/405218) Traffic to be maintained through construction using cones and will be open at night. City Council approval date: 10/13/98. (Districts II and IV) - \$150,000
- d. Hayden from the east line of 135th Street West, east, southeast, and east to the east line of Hayden Circle, and on Sandtrap, from the east line of Hayden, north and west to the north line of Hayden; and Sandtrap Court, from the north line of Sandtrap, north to and including the cul-de-sac, on Hayden Court, east to and including the cul-de-sac, Auburn Hills Eighth Addition - south of Maple, east of 135th Street west. (472-83063/765563/490674) Does not affect existing traffic. City Council approval date: 1/26/99. (District V) - \$411,000
- e. Links Street from the east line of 135th Street West, east, south, east, north and back west to the east line of 135th Street West and; Links Court from the north line of Links Street North to and including the cul-de-sac Auburn Hills Ninth Addition - south of Maple, east of 135th Street West. (472-83064/765564/490675) Does not affect existing traffic. City Council approval date: 1/26/99. (District V) - \$149,000
- f. Water to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (448-89353/734914/470584) Does not affect existing traffic. City Council approval date 1/12/99. (District V) - \$38,000

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g. Storm Water Sewer #520 to serve Lindsay's Orchard Addition - north of Pawnee, west of Maize. (468-82944/751276/485163) City Council approval date: 1/12/99. (District V) - \$128,000

Motion --
-- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Health, 3-24-99
CPO Southeast 3, 4-8-99
CPO Southwest 4, 4-8-99
Public Art Advisory Board, 3-11-99
Wichita Airport Authority, 3-15-99
Wichita Public Library, 3-16-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES/USES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report.

In accordance with the Special Events Procedures, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1) Old Soldiers and Sailors Monument Restoration
Date: April 29, 1999
Time: 2:00 - 5:00 p.m.
Street Closures: Central Street from Market to Main.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

-- carried

Knight moved that the request be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED - MARCH, 1999:

<u>Name of Claimant</u>	<u>Amount</u>
Mike Nelson	\$ 105.90
Joe Unruh	\$ 60.00
Barry Sumpter	\$ 500.00
Calvin Fox	\$ 100.00
Steven Kirk	\$ 263.26
Reflection Ridge Clubhouse	\$ 1,816.26
Angela M. Richey	\$ 250.00
Jeanette Branine	\$ 500.00
Stephen R. Alexander	\$ 293.29

Motion -- carried

Knight moved that the Report be received and filed. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES-WATER DISTRIBUTION SYSTEM (448-89373) - MACARTHUR FROM WEST STREET TO HOOVER. (District IV)

Agenda Report No. 99-372.

On March 22, 1999, the Staff Screening and Selection Committee selected Poe & Associates of Kansas, Inc. to design a waterline in MacArthur from West Street to Hoover (Capital Improvement Program No. W-320). An Agreement has been prepared.

Based on current and projected community growth demands, minimum pressure and flow quantities in the project area may not be maintained during peak periods unless the improvement is installed.

Payment will be on a lump sum basis of \$13,200, and will be paid by revenue bonds.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

COUNCIL PROCEEDINGS

25TH STREET BRIDGE

AGREEMENT FOR 25TH STREET BRIDGE AT CHISHOLM CREEK. (District VI)

Agenda Report No. 99-373.

The 1994 Capital Improvement Program contained a project to design a replacement bridge on 26th Street North over the West Drain branch of Chisholm Creek (approximately mid-way between Arkansas and Broadway on 26th Street). The current bridge consists of a concrete surface supported by a wood substructure. The bridge was constructed in 1946. The concrete portion of the bridge has deteriorated significantly and is now posted with a maximum load limit of 15 tons.

Staff presented three options to area residents at the March 8, 1994 North Central Citizen Participation Council (CPO) 6 meeting and at the March 16, 1994 Traffic Commission meeting. The three options were as follows: (1) Remove and replace existing bridge; (2) Remove existing bridge and construct new bridge on 25th Street; or (3) Remove existing bridge. CPO Council 6 voted 8 to 0 to recommend removal of the existing bridge and construction of a new bridge on 25th Street. The Traffic Commission did not make any recommendation.

On May 3, 1994, the City Council approved the concept of removing the existing bridge on 26th Street and replacing it with a new bridge on 25th Street.

The existing bridge has a rating of 48.6 on a scale of 100. It is in need of major rehabilitation or replacement because of the deteriorated condition of the concrete deck, the steel support beams and the wood pilings. The low rating makes it eligible for 80% federal funding.

When staff began reviewing the existing bridge for possible replacement, it became apparent that the replacement study should include the possibility of replacing the bridge at 25th Street rather than 26th Street because the 25th Street crossing location appeared to better fit the transportation needs in the area. The primary consideration is that building a new bridge at the 25th Street would provide continuous roadway on 25th from Broadway to the interchange at I-235. Toward this end, staff reviewed the matter with neighborhood residents at the CPO and Traffic Commission meetings.

Construction is scheduled to begin this summer.

The estimated project cost is \$600,000, with approximately 80% paid by Federal funds administered by KDOT. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

BROOKS LANDFILL

PROFESSIONAL SERVICES FOR GROUNDWATER REMEDIATION COMPLIANCE. (District VI)

Agenda Report No. 99-374.

Camp Dresser & McKee (CDM) has provided professional environmental engineering services for the Brooks Landfill Groundwater Remediation project since 1995. Under their guidance, two groundwater treatment systems have been designed and installed in the contamination area, and are currently in operation. KDHE regulations require that these systems be monitored and reported upon to assure environmental compliance. Because of their familiarity with our air-stripping and air-sparging systems, CDM is recommended to assist City staff in providing compliance information as needed to KDHE and other regulatory agencies.

It is anticipated that CDM will assist the Health and Public Works Departments with a variety of information, including monitoring reports (with data interpretation), annual status reports, project updates, operation/maintenance/repair support, and any necessary assistance with presentations to regulatory agencies.

The cost of assistance to assure regulatory compliance is not expected to exceed \$57,200. Because work will be performed on an as-needed basis, payment to the Contractor will be based on actual hours and expenses and subject to a negotiated fee contract.

The 1999 Landfill account contains \$250,000 for Groundwater Remediation System maintenance. Adequate funding is available to provide for this service.

Motion --
-- carried

Knight moved that the Contract be approved and the Mayor be authorized to sign. Motion carried 7 to 0.

LAW ENFORCEMENT GRANT

EDWARD BYRNE MEMORIAL LAW ENFORCEMENT ASSISTANCE GRANT APPLICATIONS.

Agenda Report No. 99-375.

The State of Kansas administers the Edward Byrne Memorial Law Enforcement Assistance Grant Program (Byrne Grant), which provides Federal grant assistance to state and local law enforcement agencies to fund programs in 25 designated program categories. The City of Wichita has received funding from the Byrne Grant program

COUNCIL PROCEEDINGS

in the past to fund programs such as the Special Community Action Teams (S.C.A.T.), Drug Abuse Resistance Education (D.A.R.E.), computer crimes and crime scene investigations.

The Police Department requests approval to submit Byrne Grant applications for the funding of one (1) program. This program is for computer hardware, software, and other related equipment to aid in the investigation of gangs and illicit gang-related activities. Due to volume, only one copy of the application is included.

The grant application requests funding in the amount listed below. The required local match of 25% will be funded from Asset Forfeiture (Narcotic Seizure) Accounts.

Grant Program	Federal Local Grant	Match	Total Cost
Gang Investigations	\$30,350.00	\$10,120.00	\$40,470.00

Motion -- Knight moved that the grant be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (Districts I, III, and VI)

Agenda Report No. 99-376.

Improvement notices have been issued, and pre-condemnation and formal condemnation letters have been issued. No action has been taken to repair or remove the following properties:

1.	3220 West Elm	District VI
2.	334 North Madison	District I
3.	1906 North Jackson	District VI
4.	3201 E. Roseberry	District III

Motion -- Knight moved that the Resolutions placing this matter on the agenda for a Hearing
-- carried before the Governing body on June 8, 1999, at 11:00 a.m. be approved. Motion carried 7 to 0.

RESOLUTION NO. R-99-133

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 29, Davis Gardens Addition to Wichita, Sedgwick County, Kansas, known as 3220 West Elm, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-134

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the north 42 feet of Lot 9, on Second Street in Busch's Subdivision of Lot 6, Butler & Fishers Outlots to Wichita, Sedgwick County, Kansas, known as 334 North Madison, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-135

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: the south 12.5 feet of Lot 42 and all of Lot 44, Block 3, on Jackson Avenue, Carey Park, Sedgwick County, Kansas, known as 1906 North Jackson, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-136

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 1, Block J, Planeview Subdivision No. 1, Sedgwick County, Kansas, known as 3201 East Roseberry, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

COUNCIL PROCEEDINGS

EQUUS BEDS WATER WELLS

ELECTRICAL IMPROVEMENTS TO THE EQUUS BEDS WATER SUPPLY WELLS.

Agenda Report No. 99-377.

The Water and Sewer Department has fifty-five (55) water supply wells located in the Equus Beds aquifer near Halstead. In 1994 the Department completed two projects to improve the production of the wells which included upgrading the pumps, motors, and electrical equipment used at the wells.

Recently, Staff from the Water and Sewer Department became concerned that the electrical equipment was not grounded appropriately for the conditions that exist in the wellfield. Electrical engineers were asked to inspect and review work that was completed in 1992 and 1994 and found that improvements could be made that would help to ground equipment and reduce electrical failures associated with lightning strikes and unplanned electrical events. These are improvements that were not part of the original design, but that would significantly enhance the safety and reliability of the electrical facilities in the wellfield.

Staff has contacted the two electrical contractors who installed the upgraded systems in 1992 and 1994, Shelley Electric and Jaguar Electric, and received quotes for the recommended improvements. Shelley Electric quoted \$22,148 to do the work with Jaguar Electric quoting \$11,139. Because these contractors installed the new equipment in approximately one-half of the wells, they are familiar with the complete electrical system used in the wellfield and would be more qualified to perform the work than other contractors.

The current system will continue to operate without the recommended improvements, but the grounding improvements will greatly enhance the reliability of the system and much improve worker safety.

Equus Beds and Local Well Rehabilitation (CIP W-385) has a remaining balance of \$147,823.

Motion --
-- carried

Knight moved that the project be approved and the Purchasing Manager be authorized to issue a Contract to Jaguar Electric. Motion carried 7 to 0.

MAYOR ORDER ORDINANCE

RESOLUTION ESTABLISHING ORDER OF SUCCESSION AS MAYOR OF THE CITY.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-137

A Resolution establishing order of succession as Mayor of the City in the absence of the Mayor and Vice Mayor, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

UNIFIED WORK PROGRAM

UNIFIED WORK PROGRAM FOR FISCAL YEAR 2000.

Agenda Report No. 99-378.

MAPC Recommendation: The Metropolitan Area Planning Commission approved the FY2000 Unified Work Program (UWP) and enabling resolution on March 25, 1999.

Staff Recommendation: Approve the attached FY-2000 (July 1, 1999 to June 30, 2000) UWP and adopt the attached resolution authorizing the Director of the Metropolitan Area Planning Department (MAPD) to submit applications, negotiate agreements, and execute contracts in support of the UWP. This approval also includes provisions of matching funds in support of the UWP not to exceed \$127,335.

The United States Department of Transportation (DOT) stipulates that a UWP must accompany the Planning Department's annual application for federal monies. After the UWP is approved by various officials and agencies, it will be used as the authorization document for making applications for funds to support our local transportation planning programs.

The availability of local funds for other planning projects will be determined later this summer in the City and County budget processes. A resolution (attached) to authorize the Director of MAPD to make application for federal funds up to a total of \$509,341 is also being presented for approval on April 20.

Federal funds being requested will provide funding for 7.75 full-time equivalent staff positions plus miscellaneous expenses, which will allow the MAPD to continue to evaluate the feasibility of short and long-range transportation options and to develop strategies for implementing elements of the Transportation Plan. This will allow the City of Wichita to continue receiving federal and state construction and operating funds for implementing projects and operating Wichita Transit.

The Coordinating Committee for Transportation Planning reviewed and approved the FY-2000 UWP on March 22, 1999. The Planning Commission approved the UWP on March 25 and the Sedgwick County Commission is scheduled to review the document on April 21, 1999.

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The activities described in the UWP are funded from two sources; the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), and is administered through the Kansas Department of Transportation (KDOT). The Planning Department will make available nonfederal matching funds in support of the UWP. The amount of local match (provided as in-kind staff services) required to receive the federal assistance is shown below:

Agency	Federal Funds	Local Match	Funding Total Ratio	Funds
FHWA	\$452,095	\$113,024	80/20	\$565,119
ITA	\$ 57,246	\$14,311	80/20	\$71,557
TOTAL	\$509,341	\$127,335		\$636,676

Motion --
-- carried

Knight moved that the Unified work Program be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-138

A Joint Resolution of the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita City Council, and Sedgwick County Board of Commissioners, authorizing the request of planning funds, the filing of applications, and the execution of contracts and agreements for federal and state grants, and the undertaking of the necessary planning work, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

S/D 98-99

S/D 98-99 - PLAT OF CHAPPELLE ADDITION LOCATED ON THE EAST SIDE OF TYLER, NORTH OF MAPLE. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-379.

MAPC Recommendation: Approve the Plat.
Staff Recommendation: Approve the Plat.

Zone change Z-3277 from Sfl-6 to NR has been approved for the site subject to platting.

A joint access easement and cross-lot drainage agreement have been provided.

Approved by the Planning Commission subject to conditions and recording within 30 days. Publication of the ordinance should be withheld until the plat is recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved and the Mayor be authorized to sign; and the Z-3277 Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3277

V-2125

V-2125 - PUBLIC HEARING - REQUEST TO VACATE A PORTION OF COMPLETE ACCESS CONTROL LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH BETWEEN TYLER AND WOODCHUCK, 8333 WEST 21ST STREET NORTH. (District V)

Agenda Report No. 99-380.

MAPC Recommendation: Approve vacation of access control.
Staff Recommendation: Approve vacation of access control.

The applicant requested vacation of portion of access control for the redevelopment of Golf Park West. An administrative adjustment to the Golf Park Community Unit Plan to allow additional access opening to 21st Street North, and other items to allow for redevelopment of the complex, has been submitted.

Marvin Krout

Director of Planning reviewed the Item for the City Council.

The notice of hearing was published and no written protest had been filed.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard on this Item and no one appeared.

COUNCIL PROCEEDINGS

Motion -- Knight moved that the Public Hearing be closed, the vacation be approved as recommended, the Mayor be authorized to sign. Motion carried 7 to 0.

Z-3314 **Z-3314 - ZONE CHANGE FROM ATF-3" TWO FAMILY RESIDENTIAL TO ALC® LIMITED COMMERCIAL, ON PROPERTY LOCATED APPROXIMATELY 78 FEET EAST OF THE NORTHEAST CORNER OF STADIUM DRIVE AND GROVE.** (District I)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-381.

MAPC Recommendation: Approve ANR® zoning, subject to Staff recommendations.
CPO Recommendation: Approve ANR® zoning, subject to Staff recommendations.
Staff Recommendation: Deny ALC®, but approve ANR®.

The applicant requested the zone change for an area one block south of the intersection of 21st Street North and Grove.

Motion -- Rogers moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions, and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3314

DP-241/SCZ-0785 **DP-241 - REQUEST FOR THE APPROVAL OF THE NEVILLE PROPERTY C.U.P.; AND SCZ-0785 - REQUEST ZONE CHANGE FROM ASF-6" SINGLE FAMILY RESIDENTIAL TO ALC® LIMITED COMMERCIAL, GENERALLY LOCATED NORTH OF KELLOGG AND WEST OF 167TH STREET WEST.** (District V)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-382.

MAPC Recommendation: Approve the rezoning and C.U.P., subject to Platting.
CPO Recommendation: Deferred the request.
Staff Recommendation: Approve, subject to conditions.

The Ordinance establishing the zone change shall not be published until such time as the plat is recorded.

Council Member Martz Council Member Martz requested a two week deferral.

Motion -- carried Knight moved that this Item be deferred two weeks. Motion carried 7 to 0.

A 99-7 **A 99-7 - REQUEST THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 127TH STREET EAST AND CENTRAL AVENUE.** (District II)

Marvin Krout Director of Planning reviewed the Item.

Agenda Report No. 99-383.

This property is located at the northwest corner of 127th Street East and Central Avenue. The property owners request annexation of approximately one (1) acre of undeveloped land and plan to develop the property commercially. A plat of the property was recently approved and recorded. Initial plans include a convenience store/service station.

The site consists of one platted tract of land that is currently undeveloped and abuts the City to the south. The site is zoned ALC® Limited Commercial. The general character of the surrounding area is residential. The land directly to the north and west of the site is zoned ASF-20" Single Family Residential and is undeveloped. Land immediately to the south is zoned ALC® Limited Commercial and is surrounded by ASF-6" Single Family Residential. The land to the east of the site is zoned "SF-6" Single Family Residential.

The City Water and Sewer Department indicates that there is an existing 20 inch water transmission main along Central Avenue and a 16 inch transmission main along 127th Street East. The site will be served by the Four Mile Creek Sewer District

The area proposed for annexation will have direct access to Central Avenue, a four-lane recently improved section line road, which serves the area as the nearest major east-west arterial road. The site will also have access to 127th Street

COUNCIL PROCEEDINGS

East. Although a section line road built to the county standard (asphalt with open ditches), a portion of 127th Street East from Central Avenue to the Kansas Turnpike has been improved to a 3-lane urban standard (curb and gutter with stormwater drainage).

The Wichita Fire Department can serve this site with a seven (7) minute approximate response time from Station #18 located at 2808 N. Webb Road. Sedgwick County Fire Department can serve this area with a four (4) minute approximate response time from Station #38 located at 9th Street N and 143rd Street East. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

The property is located in Unified School District 385 (Andover School District). Annexation will not change the school district.

The property is located within the Policy 32 urban service area and within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is currently vacant with no improvements. According to the information verbally submitted with the request for annexation, the property owners are planning to develop the land commercially as a service station. Staff estimates that if the development goes as planned and assuming the current City levy does not change, the property should yield approximately \$2,735 in City annual tax revenue upon completion of the project, based on a developed appraised value of approximately \$350,000.

The property is eligible for annexation under K.S.A. 12-520.

Motion --
-- carried

Pisciotta moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-7

A 99-17

A 99-17 - REQUEST THE ANNEXATION OF PROPERTY GENERALLY LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF K-96 HIGHWAY. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-384.

The property proposed for annexation is generally located south of 21st Street North and east of K-96 Highway. William R. Nath et al request annexation of approximately 65.2 acres land developed as the Trinity Academy high school.

Land Use and Zoning: The site consists of one unplatted tract of land that is in the process of being platted as the Trinity Academy Addition. The site abuts the City to the east, west, and south. The current zoning of the site is ASF-20@ Single Family Residential, which will convert to the ASF-6@ Single Family Residential district upon annexation. The area to the north is vacant and is zoned ASF-20@ Single Family Residential. The areas to the east, west, and south are zoned ASF-6@ Single Family Residential and are developed with single family residential properties.

Public Services: Sewer service is being provided temporarily to the site by Sedgwick County through the Four Mile Creek Sewer District. Upon completion of a sewer lift station west of the site, sewer service will be provided by the City. Water service is currently provided to the site by the City.

Street System: The area proposed for annexation has direct access to 21st Street North, a two-lane improved section line road. The site can also access K-96 Highway via the 21st Street interchange.

Public Safety: The Wichita Fire Department can serve this site with a three (3) to four (4) minute response time from Station #18 located at 2808 North Webb Road (Webb and K-96 Highway). Police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor (Kellogg and Edgemoor).

Urban Growth Area & Policy 32: This property is located within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan. The property also is located within the Policy 32 urban growth/service area.

The property proposed for annexation is tax exempt.

Motion --
-- carried

Pisciotta moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

COUNCIL PROCEEDINGS

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A-99-17.

A 99-8

A 99-8 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF KELLOGG AND MAPLE, BETWEEN 119TH STREET WEST AND 167TH STREET WEST TO THE CITY OF WICHITA, KANSAS. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-385.

The resolution for consideration by the City Council is to annex certain eligible properties to the City of Wichita and establish a future public hearing date of June 22, 1999, for consideration of the same. The areas proposed for annexation are located north and south of Kellogg and Maple, between 119th Street West and 167th Street West.

The area proposed for annexation is the 2nd phase of a two-phase annexation. The area consists of Sheplers 3rd Addition, Wilson Acres Addition, United Industrial Addition, Fellowship Acres Addition and several unplatted tracts, which comprise approximately 216 acres and 37 properties (4 platted and 33 unplatted). Except for Kellogg Drive (Condemnation Case CC-B-17272), from 167th Street West, east 550 feet, there are no other streets included in this annexation. The predominant land-use pattern of the area to be annexed is residential, with 16 residential tracts. There are also several non-residential uses along Kellogg such as a restaurant, retail store, erotic dance studio and manufacturing facility. The majority of the area is zoned "SF-20" Single-Family Residential, with several tracts zoned ~~ARR~~ Rural Residential, ~~ALC~~ Limited Commercial, ~~AGC~~ General Commercial and one tract zoned ~~ALI~~ Limited Industrial. Those tracts zoned ~~ARR~~ Rural Residential and "SF-20" Single-Family Residential will convert to the "SF-6 Single-Family Residential district upon annexation, while the commercially zoned tracts will remain so.

The proposed annexation will allow for continued expansion in the west part of Wichita. Most of the properties described in the service plan are currently served by Rural Water District #4 and private water wells. Pursuant to the requirements of Kansas Statutes Annotated (K.S.A.) 12-527, the City is currently in the process of negotiating with Rural Water District #4 to acquire title to portions of the water distribution system serving the annexation areas. In addition, the City's 1998-2007 Capital Improvements Program includes the installation of a 24 inch water main along Maple, from 135th Street West to 151st Street West beginning in 1999 at a cost of \$1,900,000 (project W-802), and a 16 inch water main from 119th Street West to 135th Street West beginning in 2001 at a cost of \$440,000 (project W-561). There are also plans to extend a 24 inch water main along 151st Street West one-half mile south of Maple.

Properties within this annexation area are served by paved and unpaved arterial streets, and by paved and unpaved local streets. The four arterial streets are Kellogg and Maple, which are paved, and 151st Street West and 135th Street West, which are unpaved. The City's 1998-2007 C.I.P. includes projects to widen Maple from 119th Street West to 135th Street West to a 4-to 5-lane urban standard at a total cost of \$2,500,000. The City's 1998-2007 C.I.P. also includes projects to widen 135th Street West from Maple to Central Avenue at a total cost of \$2,413,000 with construction beginning in 2007.

In addition to these scheduled projects, petitions have been submitted by adjacent landowners to have 135th Street West paved from Maple to a point one-half mile south and 151st Street West from Kellogg to a point one-half mile north.

If the City Council desires to proceed with this annexation, the Council must adopt a resolution establishing the hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intentions to provide major municipal services to the area.

The total appraised value of the land and improvements within the proposed annexation is \$4,789,990, resulting in an annual City Ad Valorem tax revenue of approximately \$21,784. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The cost of municipal services to be provided upon annexation will be absorbed by the City departments currently delivering these services. Major municipal services such as local street improvements, water and sewer service may be provided to this area upon request by the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefitting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires

COUNCIL PROCEEDINGS

the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be mailed, by certified mail, to all owners of the property proposed to be annexed within 10 days of adoption, and the resolution must be published once in the official City newspaper not less than one week nor more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion -- Knight moved that the Service Extension Plan be accepted and the Resolution establishing a public hearing date of June 22, 1998, at 7:00 p.m. at the Ascension Lutheran Church, 842 North Tyler Road be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-139

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property located north and south of Kellogg and Maple, between 119th Street West and 167th Street West to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 99-8

OFF AGENDA ITEM

MUNICIPAL COURT ADMINISTRATIVE JUDGE APPOINTMENT

Motion -- Knight moved that the rules be set aside and an item be taken up off the Agenda. Motion carried 7 to 0.

Motion -- Cole moved that Julie Wright Connolly be appointed as the Administrative Judge of the Wichita Municipal Court, who shall serve at the pleasure of the City Council, effective as of April 20, 1999, and to expire the third Monday of April 2000; further, the appointment as administrative judge is subject to and conditioned upon execution of the Municipal Court Administrative Judge Agreement by the appointee and the City; and the necessary amendments of the judge agreement and signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess into executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice; preliminary discussions relating to the acquisition of real property for public purposes; and return to regular session no sooner than 11:30 a.m. Motion carried 7 to 0.

RECESS The City Council recessed at 10:55 a.m. and returned at 11:40 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of executive session.

ART MUSEUM ANNUAL REPORT WICHITA ART MUSEUM BOARD OF TRUSTEES ANNUAL REPORT.

Richard DeVore Richard DeVore, Board of Trustees President, presented financial statements and, under the terms/conditions of the agreement between the City and the Wichita Art Museum, Inc., made the 1988 annual report to the City Council.

Mr. DeVore said that, during the last fifteen months, the Friends of the Art Museum, the Wichita Art Museum Board of Trustees, and Staff have worked closely bringing different facets of the community together.

Motion -- carried Knight moved that the Report be received and filed. Motion carried 7 to 0.

ADJOURNED The City Council meeting adjourned at 11:50 A.M.

Pat Burnett
City Clerk

Workshop - Art Museum.